

The Office, citing PCT Rule 13.1 and 13.2, contends that Groups I-II do not relate to a single general inventive concept because they lack the same or corresponding special technical features. Further, the Office has characterized Groups I-II as lacking the same or corresponding special technical feature under PCT Rule 13.2. The Office has characterized Groups I-II as lacking an inventive concept that is shared. The Office contends that “Group I requires at least one oily ingredient that is not required by Group II.”

The Applicants respectfully traverse the Restriction Requirement on the ground that unity of invention does exist between Groups I-II because there is a technical relationship that involves the same special technical feature. It is this technical feature that defines the contribution which each of the Groups, taken as a whole, makes over the prior art.

Applicants further traverse on the basis that the Examiner has not set forth any evidence whatsoever that the “oily ingredient” is the inventive concept of Group I.

Applicants traverse the Restriction Requirement on the ground that the Office has failed to follow MPEP guidelines for making a lack of unity of invention requirement between restricted Groups. MPEP §1893.03(d) states:

“When making a lack of unity of invention requirement, the Examiner must (1) list different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.”

The Office has not explained why each group lacks unity with each other group and has not specifically described the unique special technical features in each group to justify the conclusion of a lack of unity of invention. The Office merely states that “Group I requires at least one oily ingredient that is not required by Group II.” The Office further states that “the

sheet of Group I can be produced by another process such as impregnation of the medical ingredient into the sheet, not requiring mixing, calendaring, or kneading as required by Group II". However, the Office fails to offer no references on which this conclusion is based.

Applicants further traverse the Restriction Requirement on the additional ground that a search of all the claims would not impose a serious burden on the Office. In fact, the International Searching Authority has searched all of the claims together. The MPEP in §803 states as follows:

"If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

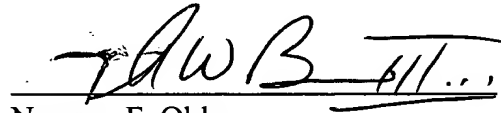
Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Applicants further traverse on the basis that the Office has already provided the Applicant with a constructive election in the Office Action dated June 17, 2002. Of course, Applicants maintain their traversal of this conclusion by the Office. As a result of this conclusion by the Office, the Office already examined Claims 1-10 as indicated in the Office Action.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn. Applicants further submit that this application is in condition for examination on the merits and an early notification to that effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "N. F. Oblon", is written over a horizontal line.

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